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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,713	10/29/2001	Johannes J. Mons	PHN 16-657A	5400

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02/13/2003

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EXAMINER

DINH, TAN X

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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DATE MAILED:

This is a communication from the examiner in charge of your application.
 COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 12/10/02

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☐ Claim(s) _____ is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 10-17 is/are allowed.
- ☒ Claim(s) 18, 19, 22-25, 28, 29 is/are rejected.
- ☒ Claim(s) 20, 21, 26, 27 is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

Art Unit: 2653

- 1) The amendment/preliminary amendment filed 12/10/2002 is acknowledged. New claims 18-29 have been currently added.
- 2) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- 3) (e) the invention was described in-
 - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
 - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).
- 4) Claims 18,19,22-25,28 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by MAEDA et al (6,072,759).

MAEDA et al discloses a method for storing audio information as claimed in claims 18,19,24 and 25 comprising the steps of:

providing a unitary storage medium (Fig.1A, DVD);

storing audio information on the unitary storage medium (the audio information is stored in DVD with MPEG-2 compression format);

forming a file based access mechanism on the unitary storage medium (figure 3A and 3B show file-based data structure of audio

Art Unit: 2653

and video data and figure 4 shows ROOT directory. See also column 6, lines 27-45. It is noted that the information data in this case is video and audio data which records in lossy compression format, such as MPEG, and the information data may be in computer data which normally records in lossless format, see column 6, lines 39-46).

As to claims 22 and 28 MAEDA et al shows to form a TOC mechanism on the unitary storage medium (see figures 10A, 10B, 10C, 11-15 and column 10, line 1 to column 15, line 34) for storing and accessing audio information.

As to claims 23 and 29, since the unitary storage medium is DVD then all information data stored in single serial track.

5) Claims *20,21,26 and 27* are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6) Claims 10-17 are allowed.

7) Applicant's arguments with respect to claims *10-29* have been considered but are moot in view of the new ground(s) of rejection.

8) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS

Art Unit: 2653

ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire *THREE MONTHS* from the mailing date of this action. In the event a first reply is filed within *TWO MONTHS* of the mailing date of this final action and the advisory action is not mailed until after the end of the *THREE-MONTH* shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than *SIX MONTHS* from the date of this final action.

9) **AMENDMENTS MAY NOW BE SUBMITTED IN REVISED FORMAT.**

The United States Patent and Trademark Office (USPTO) is permitting applicants to submit amendments in a revised format as set forth below. Further details of this practice are described in **AMENDMENTS IN A REVISED FORMAT NOW PERMITTED**, signed January 31, 2003, expected to be published in Official Gazette in February, 2003 (Notice posted on the Office's website at: <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/revamdtprac.htm>).

The revised amendment format is essentially the same as the amendment format that the Office is considering adopting via a revision to 37 CFR 1.121 (Manner of Making Amendments). The revision to

Art Unit: 2653

37 CFR 1.121 (if adopted) will simplify amendment submission and improve file management. The Office plans to adopt such a revision to 37 CFR 1.121 by July of 2003, at which point compliance with revised 37 CFR 1.121 will be mandatory.

Effective immediately, all applicants may submit amendments in reply to Office actions using the following format. Participants in the Office's electronic file wrapper prototype receiving earlier notices of the revised practice may also employ the procedures set out below.

REVISED FORMAT OF AMENDMENTS.

Begin on separate sheets:

Each section of an Amendment and/or Response (e.g., Claim Amendments, Specification Amendments, Remarks) should begin on a separate sheet. to facilitate separate indexing and scanning of the document. For example, in an amendment containing

- a.) introductory comments,
- b.) amendments to the claims,
- c.) amendments to the specification, and
- d.) remarks,

each of these sections should begin on a separate sheet. This will facilitate the process of separately indexing and scanning of each part of an amendment document for placement in an electronic file wrapper.

Two versions of amended part(s) no longer required:

The current requirement in 37 CFR 1.121(b) and © to provide two versions (a clean version and a marked up version) of each replacement paragraph, section, substitute specification or

Art Unit: 2653

claims (a clean version and a marked up version), as set forth in 37 CFR 1.121(c), will be waived if where an amendment is submitted in the following format:

A) Amendments to the claims:

Each amendment document that includes a change to an existing claim, or submission of a new claim, must include a complete listing of all claims in the application. After each claim number, the status must be indicated in a parenthetical expression, and the text of each claim under examination (with markings to show current changes) must be presented. The listing will serve to replace all prior versions of the claims in the application.

(1) The current status of all of the claims in the application, including any previously canceled or withdrawn claims, must be given. Status is indicated in a parenthetical expression following the claim number by one of the following: (original), (currently amended), (previously amended), (canceled), (withdrawn), (new), (previously added), (reinstated- formerly claim #_), (previously reinstated), (re-presented- formerly dependent claim #_), or (previously re-presented). The text of all pending claims under examination must be submitted each time any claim is amended. Canceled and withdrawn claims should be indicated by only the claim number and status.

(2) All claims being currently amended must be presented with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim should be shown by strikethrough (for deleted matter) or underlining (for added matter), or by any equivalent marking system. An accompanying clean version is not required and should

Art Unit: 2653

not be presented. Only claims of the status "currently amended" will include markings.

(3) The text of pending claims not being amended must be presented in clean version, i.e., without any markings. Any claim presented in clean version will constitute an assertion that it has not been changed relative to the immediate prior version.

(4) A claim may be canceled by merely providing an instruction to cancel. Listing a claim as canceled will constitute an instruction to cancel. Any claims added by amendment must be indicated as (new)) and shall not be underlined.

(5) All of the claims in each amendment paper must be presented in ascending numerical order. Consecutive canceled or withdrawn claims may be aggregated into one statement (e.g. Claims 1 - 5 (canceled)).

Example of listing of claims:

Claims 1-5 (canceled)

Claim 6 (withdrawn)

Claim 7 (previously amended): A bucket with a handle.

Claim 8 (currently amended): A bucket with a green blue handle.

Claim 9 (withdrawn)

Claim 10 (original): The bucket of claim 8 with a wooden handle.

Claim 11 (canceled)

Claim 12 (new): A bucket with plastic sides and bottom.

Claim 13 (previously added): A bucket having a circumferential upper lip.

Claim 14 (re-presented) formerly claim 11): A black bucket with a wooden handle.

Art Unit: 2653

B) Amendments to the specification:

Amendments to the specification may be made by presenting a replacement paragraph, section or substitute specification marked up to show changes made relative to the immediate prior version. An accompanying clean version is not required and should not be presented.

C) Amendments to drawing figures:

Drawing changes may be made by presenting replacement figures which incorporate the proposed changes and which comply with § 1.84. An explanation of the changes made must be presented in the remarks section of the amendment. If the changes to the drawing figure(s) are not approved by the examiner, applicant will be informed in the next Office action. Any replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing should not be labeled as "amended"

Any questions regarding these submission of amendments pursuant to the revised practice set forth in this Office action should be directed to the following legal advisors in the Office of Patent Legal Administration (OPLA): Elizabeth Dougherty

(Elizabeth.Dougherty@uspto.gov), Gena Jones (Eugenia.Jones@uspto.gov) or Joe Narcavage (Joseph.Narcavage@uspto.gov). For information on the waiver or legal aspects of the prototype, please contact Jay Lucas (Jay.Lucas@uspto.gov), Senior Legal Advisor (PCTLA) or Rob Clarke (Robert.Clarke@uspto.gov), Senior Legal Advisor (OPLA).

Alternatively, further information may be obtained by calling OPLA at (703) 305-1616.

Art Unit: 2653

10) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to TAN DINH whose telephone number is (703)308-4859. The examiner can normally be reached on Monday - Friday from 8:00AM to 5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4750, or the customer service whose telephone number is (703)306-0377.



TAN DINH
PRIMARY EXAMINER
February 12, 2003